



CITY COUNCIL REDEVELOPMENT AGENCY AGENDA

City of Westminster
Regular Meeting
April 7, 2004

6:00 p.m. – Council Conference Room

7:00 p.m. – Council Chambers

8200 Westminster Boulevard
Westminster, California 92683

MARGIE L. RICE
MAYOR

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

RUSSELL C. PARIS
Council Member

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I)

AGENDA

April 7, 2004

6:00 P.M. CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: John M. Farrell and Marilyn Farrell v. City of Westminster;
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: People v. Anthony W. Jones; and
- 3) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Northeast corner of Beach and Edinger; City Negotiator: Economic Development Manager Steve Soto; Negotiating Party: Steve Chapin and Makena Capital; Under Negotiation: Price and Terms of Payment.

RECESS:

AGENDA

April 7, 2004

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR
PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, PARIS

PRESENT:

ABSENT:

SALUTE TO FLAG: City Attorney

INVOCATION: Pastor/Chaplain Dave Peterson

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Recognition of Youth in Government Day participants
- B. Police Department Promotion Ceremony
- C. Chamber of Commerce – Report on Upcoming Events
- D. Proclamation to LULAC in recognition of their 75th Anniversary

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1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of March 8, 2004; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of March 17, 2004; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of March 22, 2004. (Marian Contreras)**

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

RECOMMENDATION: Approve.

- 1.3 **Proclamation declaring April as "Fair Housing Month" in the City of Westminster**

RECOMMENDATION: Approve.

- 1.4 **Proclamation declaring April 18-24, 2004 as "National Crime Victims' Rights Week" in the City of Westminster**

RECOMMENDATION: Approve.

- 1.5 **Increase in purchase order with Linda de Ambrosio, transcription and dictation services (Andy Hall)**

RECOMMENDATION: That the City Council authorize a \$5,000 increase in the purchase order with Linda de Ambrosio.

- 1.6 **Increase of contract amount for JFL Electric, Inc. for Lighting System Improvements for the Civic Center Plaza and Westminster Park Basketball Court (Brad Fowler)**

RECOMMENDATION: That the City Council approve an increase of \$41,002.28 to JFL Electric, Inc.'s contract to perform additional work.

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1. CONSENT CALENDAR (Continued)

1.7 Increase in purchase order with Chupan Medical Computer Services (CMCS) (Sheri Peasley)

RECOMMENDATION: That the City Council authorize a \$15,000 increase of the purchase order with CMCS for ambulance billing services.

1.8 Award of Contract for Canopy Structure at the Corporation Yard – Project No. 51502-041001 (Brad Fowler)

RECOMMENDATION: That the City Council:

- 1) Approve the appropriation of \$7,500.00 from Account No. 51502-031014 (Trask Avenue Improvements) to Account No. 51502-041001 (Canopy Structure at Corporation Yard); and
- 2) Approve the award of contract to the low qualified bidder in the amount of \$47,758.00 to Action Awning, Inc.; reject all other bids; and authorize the Interim City Manager to execute the contract on behalf of the City.

ADMINISTRATIVE ITEMS

1.9 Special Event Permit application from the Asian American Senior Citizens Association to hold a Vietnamese Ancestor Commemoration Day on Sunday, April 25, 2004 between the hours of 10:00 a.m. to 9:00 p.m., for 2,000 attendees in the parking lot at 9822 Bolsa Avenue (Little Saigon Supermarket) (Penny Loomer)

RECOMMENDATION: That the City Council approve the Special Event Permit application subject to conditions attached to the staff report.

WARRANT REGISTER

1.10 (City Council/Redevelopment Agency) Warrant Register dated March 12 through March 25, 2004. (Sheri Peasley)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.11 Minutes of the Planning Commission meeting held March 10, 2004 (Don Anderson)

RECOMMENDATION: Receive and file.

1.12 Minutes of the Planning Commission study session meeting held March 10, 2004 (Don Anderson)

RECOMMENDATION: Receive and file.

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1. CONSENT CALENDAR (Continued)

1.13 Treasurer's Report – February, 2004 (Sheri Peasley)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

2.1 The actions of the Planning Commission meeting held on March 24, 2004

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of March 24, 2004:

- 1) 16300 Beach Blvd (Conditional Use Permit/Minor Modification) for the on-site sale and consumption of alcoholic beverages in conjunction with a new restaurant. The request also included a façade remodel, which will encroach 5' into the existing 12' wide walkway.
- 2) 15152 Moran Street (Zone Change/ Conditional Use Permit/Tentative Parcel Map/Site Plan/Design Review) for construction of a new active senior (55 years or older) market rate housing with 87 parking spaces

3. PUBLIC HEARINGS

ADDRESSING THE CITY COUNCIL DURING PUBLIC HEARINGS: After the public hearing is opened, persons speaking in favor will be heard first, followed by those persons speaking in opposition; and then persons speaking in rebuttal. Only those persons who have spoken in favor will be permitted to speak in rebuttal.

If a spokesperson is designated to speak in favor or in opposition, that spokesperson will have twelve (12) minutes to speak. Thereafter, each person speaking in favor or in opposition will have three (3) minutes to speak. The total time for speaking in favor or in opposition shall not exceed 30 minutes. Those persons speaking in rebuttal will have three minutes each, or a total of 20 minutes for rebuttal. The City Council may use its discretion to allow a speaker to exceed time limits.

NOTE: If a challenge is made by any party in court from actions arising out of a public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered at the public hearing or prior thereto.

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3. PUBLIC HEARINGS (Continued)

3.1 REVIEW OF PLANNING COMMISSION'S DENIAL OF CASE NO. 2003-74 (SITE PLAN/DESIGN REVIEW); LOCATION: 8882-92 BOLSA AVENUE; APPLICANT: ANDREW K. NGUYEN AND BRUCE H. NGUYEN OF SOUTHLAND PROPERTY DEVELOPMENT (Don Anderson)

Time set for a public hearing to review the Planning Commission's decision to deny a proposal to add a 4,684 square foot second floor, expand the first floor by 911 square feet, addition of a 106 square foot elevator and equipment room, and various site improvement, to an existing commercial building located in the Bolsa/Magnolia shopping center.

PLANNING COMMISSION RECOMMENDATION: That the City Council:

- 1) Uphold the Planning Commission's decision to deny Case 2003-74; and
- 2) Adopt Resolution No. 3830 entitled "A Resolution of the City Council of the City of Westminster to deny Case 2003-74 (Site Plan/Design Review) located at 8882-8892 Bolsa Avenue," and waive further reading.

4. ORAL COMMUNICATIONS

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Amendments to Public Cable Television Authority's Joint Powers Agreement (Penny Loomer)

RECOMMENDATION: That the City Council approve and authorize the Mayor to sign the Restated and Amended Joint Powers Agreement, Public Cable Television Authority

6.2 Microsoft Enterprise Agreement for software maintenance and updates (James McAuliffe)

RECOMMENDATION: That the City Council approve the City of Westminster joining an Enterprise Agreement negotiated by the County of Riverside with Microsoft for software support and updates for a period of 5 years for a fixed yearly fee of \$90,209.97. The reseller for the transaction under the County of Riverside Agreement is CompuCom Systems Inc.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.3 Authorization to add McFadden Avenue street repairs from I-405 Bridge to the east City limits, west of Beach Boulevard to an existing contract (Brad Fowler)

RECOMMENDATION: That the City Council:

- 1) Approve the appropriation of \$98,461.35 from the 02/03 IRP fund, Account No. 18002-024010; and
- 2) Authorize a change order in the amount of \$98,461.35 to All American Asphalt for street repairs on McFadden Avenue from I-405 Bridge east to the City limits, west of Beach Boulevard.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request for Waiver of Rental Fees/Community Services Building

RECOMMENDATION: That the City Council take under consideration a request from Westminster Chorale for waiver of rental fees for the use of the Community Services Building on Saturday, June 19, 2004 from 11:00 a.m. to 3:45 p.m. for an Afternoon Tea fundraiser.

7.2 Request for Waiver of Rental Fees/Community Services Building

RECOMMENDATION: That the City Council take under consideration a request from Girls Scouts of America for waiver of rental fees for the use of the Community Services Building East/West Rooms on Monday, June 7, 2004 from 6:30 p.m. to 9:30 p.m. for their awards ceremony.

7.3 Request from the Vietnamese-American Community of Southern California to display US and VN flags on concrete electric (street light) poles from the week of Friday, April 23, 2004 to Sunday, May 2, 2004 on the following streets:

Bolsa Ave. from Purdy St. to Euclid St. (*Westminster area is south side of Bolsa to Eden; Eden to east of Ward*)

Westminster Blvd. From Yockey St. to Euclid Ave. (*Westminster area encompasses the south side of Westminster Blvd. From Yockey St. to Bushard*)

All American Way from 13th Street to Westminster Blvd.

Magnolia Ave. from McFadden Ave. to 22 Fwy. (*Westminster area encompasses Magnolia Ave. from McFadden to Westminster*)

Brookhurst St. from Margo Lane to 22 Fwy. (*Westminster area encompasses Brookhurst St. from Margo Lane to Hazard*)

RECOMMENDATION: That the City Council provide direction to staff.

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7. WRITTEN COMMUNICATIONS (Public) (Continued)

- 7.4 Request from the Little Saigon Tet Parade Association that the City of Westminster grant a five-year contract with renewable options for future five-year periods, giving them exclusive rights to organize the annual Tet Parade.**

RECOMMENDATION: That the City Council provide direction to staff.

- 7.5 Request from Friends of the Abbey Centre requesting financial assistance from the City in the amount of \$5,000 for the Mayor's Ball to be held on Saturday, June 26, 2004**

RECOMMENDATION: That the City Council provide direction to staff.

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS – None

- 10. COUNCIL/AGENCY ADJOURNMENT:** To Monday, April 12, 2004 at 1:00 p.m. in the Council Conference Room, 8200 Westminster Blvd., Westminster, California, for the purpose of holding a closed session to interview City Manager applicants.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.


Marian Contreras, City Clerk/Agency Secretary